

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sara Griffin	Team: Squad #5	CCRB Case #: 201705299	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 06/23/2017 9:00 AM	Location of Incident: § 87(2)(b)	Precinct: 34	18 Mo. SOL 12/23/2018	EO SOL 12/23/2018	
Date/Time CV Reported Thu, 06/29/2017 3:01 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Thu, 06/29/2017 3:01 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Douglas Perez	3323	943667	034 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Carlos Pages	15802	957929	034 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Douglas Perez	Abuse: Sergeant Douglas Perez entered § 87(2)(b)	§ 87(2)(b)
§ 87(4-b) § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

Case Summary

On June 29, 2017, § 87(2)(b) filed this complaint in person at the CCRB. On June 23, 2017, at 9 AM, § 87(2)(b) and her brother, § 87(2)(b) got into a verbal dispute inside their apartment located at § 87(2)(b). § 87(2)(b) and § 87(2)(b) were alone inside the apartment. After the dispute, § 87(2)(b) returned to her bedroom and took a shower. While § 87(2)(b) was in the shower, she heard her brother break the mirror in the bathroom. After showering, § 87(2)(b) called her stepfather, § 87(2)(b), and informed him of the dispute and the broken mirror. § 87(2)(b) § 87(2)(b) called 911 and reported that § 87(2)(b) was violent, had broken a mirror, has a mental history, had taken crystal methamphetamine, and that there was a presence of knives in the apartment. § 87(2)(b) began to get dressed for work when she heard what sounded like “a lot of people storming into” her apartment. § 87(2)(b) opened her bedroom door and saw approximately 10 to 12 officers, including Sergeant Douglas Perez and Police Officer Carlos Pages of the 34th Precinct, inside her living room (**Allegation A**). After § 87(2)(b) and § 87(2)(b) were asked about the dispute, Sgt. Perez instructed officers to arrest § 87(2)(b) and § 87(2)(b) for § 87(2)(b) § 87(2)(b) and § 87(2)(b) were handcuffed and escorted out of the apartment and transported to the 34th Precinct. § 87(4-b), § 87(2)(g) .

There is no video footage of the incident.

This case exceeded the 90-day benchmark due to difficulties in scheduling the subject officer for an interview.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation, due to § 87(2)(b)'s arrest.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b)
§ 87(2)(b). (Board Review 2).
- An October 10, 2017, inquiry into the Office of the New York City Comptroller revealed no notice of claim filed by § 87(2)(b).

Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s first CCRB complaint (Board Review 3).
- Sgt. Perez has been a member of the NYPD for 10 years. Sgt. Perez is the subject of 3 prior complaints, involving 5 allegations. None of the allegations have been substantiated. § 87(2)(g)
(Board Review 4).

Potential Issues

- The investigation was unable to obtain a sworn statement from § 87(2)(b) § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] During her interview, § 87(2)(b) indicated she had no contact information for § 87(2)(b) and did not know the current whereabouts of § 87(2)(b). On June 30, 2017, the undersigned investigator emailed Department of Homeless Services in an attempt to identify if § 87(2)(b) was in a shelter. On June 30, 2017, Department of Homeless Services responded to the inquiry and confirmed § 87(2)(b) was not in a shelter and that no contact information was on file for him. On July 17, 2017, the undersigned investigator called § 87(2)(b) and § 87(2)(b)'s stepfather, § 87(2)(b), as it was discovered through the Event Information that he initially requested police respond to the location. § 87(2)(b) did not have any contact information for § 87(2)(b). On July 31, 2017, the undersigned investigator called § 87(2)(b) who stated she had not had contact with her brother since June 23, 2017.

Findings and Recommendations

Explanation of Subject Officer Identification

- Sgt. Perez was identified as the highest-ranking officer at the location § 87(2)(g) [REDACTED]
[REDACTED]

Allegation A –Abuse of Authority: Sergeant Douglas Perez entered § 87(2)(b) [REDACTED] [REDACTED]

It is undisputed that § 87(2)(b) and § 87(2)(b) engaged in a verbal dispute while home alone in their apartment. It is undisputed that after speaking to § 87(2)(b) § 87(2)(b) called 911 and reported that § 87(2)(b) was violent, had a mental history, had taken crystal methamphetamine, had broken a mirror, and that there were knives in the apartment (Board Review 5). It is also undisputed that officers responded to a call of an “Emotionally Disturbed Person” at the location, and that Sgt. Perez entered the apartment. § 87(2)(g) [REDACTED]
[REDACTED]

§ 87(2)(b) testified (Board Review 6) that the verbal dispute with her brother had ended prior to taking a shower. After showering, § 87(2)(b) heard what sounded like “a lot of people storming” into her apartment. § 87(2)(b) opened the bedroom door and saw approximately 10-12 police officers standing in her living room speaking to her brother. § 87(2)(b) did not hear a knock on the front door prior to the officers “storming” into her apartment.

Sgt. Perez testified (Board Review 7) that he responded to a “violent EDP” at the location. The apartment door was closed and screaming could be heard from inside the apartment. Sgt. Perez knocked on the door. § 87(2)(b) opened the door and pointed to § 87(2)(b) whom was inside the apartment, and stated she wanted him out of the apartment. Sgt. Perez took § 87(2)(b) [REDACTED]

§ 87(2)(b) pointing at § 87(2)(b) and asking the officers to remove him as indication § 87(2)(b) was consenting for them to enter the apartment. The apartment appeared in a state of disarray.

PO Pages testified that (Board Review 8) upon arrival to the apartment, Sgt. Perez knocked on the door. PO Pages did not hear any noise coming from inside the apartment. § 87(2)(b) opened the door. PO Pages did not recall if or what § 87(2)(b) said when she opened the door. PO Pages did not recall if § 87(2)(b) verbally consented or indicated with body language that the officers were allowed to enter. PO Pages stated that due to the nature of the radio call being an “EDP” that they were going to go inside to investigate. PO Pages testified that officers are required to enter a premise if they receive a call for an “EDP.”

§ 87(2)(g)
Although, § 87(2)(b) testified that she did not open the apartment door or give consent, Sgt. Perez and PO Pages were consistent in their testimonies that § 87(2)(b) opened the apartment door. However, the officers’ testimonies were inconsistent in regards to the body language § 87(2)(b) exerted upon opening the door, which Sgt. Perez interpreted as consent to enter the apartment.

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(g), § 87(4-b)
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Squad: 5

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date